



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Steven M. Ruben

Appl. No.: 10/662,429

Filed: September 16, 2003

For: **Apoptosis Inducing Molecule I**

Confirmation No.: 2663

Art Unit: 1644

Examiner: Huynh, Phuong N.

Atty. Docket: 1488.1890003/EJH/SAC

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **AA1-AK1** are not provided in accordance with the Changes To Support Implementation of the United States Patent and Trademark Office 21st Century Strategic Plan, effective October 21, 2004, which states "section 1.98(a)(2)(i) is amended to eliminate the requirement in paragraph (a)(2)(i) for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application."

Copies of all other documents were submitted to the Office in an IDS which complies with 37 C.F.R. § 1.98(a)-(c) in Application No. 08/816,981, filed March 13, 1997, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).

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02 FC:1806
03 FC:1806

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Steven M. Ruben
Appl. No. 10/662,429

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicant reserves the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.

Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p).

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

Steven M. Ruben
Appl. No. 10/662,429

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency,
or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Elizabeth J. Haanes". The signature is fluid and cursive, with the first name "Elizabeth" and last name "Haanes" clearly distinguishable.

Elizabeth J. Haanes, Ph.D.
Attorney for Applicant
Registration No. 42,613

Date: April 1, 2005
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
354817_1.DOC



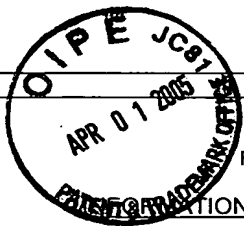
Page 1 of 5							
FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">ATTY. DOCKET NO. 1488.1890003</td> <td style="width: 50%;">APPLICATION NO. 10/662,429</td> </tr> <tr> <td colspan="2">FIRST NAMED INVENTOR Steven M. Ruben</td> </tr> <tr> <td>FILING DATE September 16, 2003</td> <td>ART UNIT 1644</td> </tr> </table>	ATTY. DOCKET NO. 1488.1890003	APPLICATION NO. 10/662,429	FIRST NAMED INVENTOR Steven M. Ruben		FILING DATE September 16, 2003	ART UNIT 1644
ATTY. DOCKET NO. 1488.1890003	APPLICATION NO. 10/662,429						
FIRST NAMED INVENTOR Steven M. Ruben							
FILING DATE September 16, 2003	ART UNIT 1644						

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,763,223	06/09/1998	Wiley, <i>et al.</i>			06/25/1996
	AB1	6,030,945	02/29/2000	Ashkenazi			01/09/1996
	AC1	6,046,048	04/04/2000	Ashkenazi, <i>et al.</i>			01/08/1997
	AD1	6,284,236	09/04/2001	Wiley, <i>et al.</i>			05/26/1999
	AE1	6,444,640	09/03/2002	Nagane, <i>et al.</i>			09/30/1999
	AF1	6,521,228	02/18/2003	Wiley, <i>et al.</i>			04/02/2001
	AG1	6,740,739	05/25/2004	Ashkenazi, <i>et al.</i>			06/26/2000
	AH1	6,746,668	06/08/2004	Ashkenazi			08/21/2001
	AI1	2004/0047864	03/11/2004	Ruben			09/16/2003
	AJ1	2004/0048340	03/11/2004	Ruben			09/16/2003
	AK1	2004/0052788 A1	03/18/2004	Wiley, <i>et al.</i>			09/02/2003

FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1	WO 97/25428	07/17/1997	WIPO			Yes No
	AM1	WO 97/01633	01/16/1997	WIPO			Yes No
	AN1						Yes No
	AO1						Yes No
	AP1						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)			
	AR	1	Bell, G.I., et al., "A molecular inventory of human pancreatic islets: Sequence analysis of 1000 cDNA clones," <i>Hum. Mol. Genet.</i> 2:1793-1798, (GenBank Acces. No. T10524) (1993)
	AS	1	Cascino et al., "Three functional soluble forms of the human apoptosis-inducing Fas molecule are produced by alternative splicing," <i>J. Immun.</i> 154:2706-2713 (1995)
	AT	1	Genexpress., <i>The Genexpress cDNA Program</i> , (GenBank Acces. No. Z36726) (1994)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.	



FORM PTO-1449

CITATION DISCLOSURE STATEMENT

ATTY. DOCKET NO.
1488.1890003APPLICATION NO.
10/662,429FIRST NAMED INVENTOR
Steven M. RubenFILING DATE
September 16, 2003ART UNIT
1644

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
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	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
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	AM2						Yes No
	AN2						Yes No
	AO2						Yes No
	AP2						Yes No

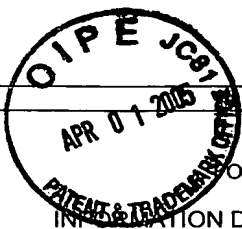
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	2	George, et al., "Macromolecular sequencing of synthesis", ed. D.H. Schles, New York: Alan K. List, Inc. pp129-149 (1988)
AS	2	Hillier, L., et al., <i>The WashU-Merck EST Project</i> , (GenBank Acces. No. T82085) (1995)
AT	2	Hillier, L., et al., <i>The WashU-Merck EST Project</i> , (GenBank Acces. No. T81066) (1995)

EXAMINER

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	AL3						Yes No
	AM3						Yes No
	AN3						Yes No
	AO3						Yes No
	AP3						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>3</u>	Hillier, L., et al., <i>The WashU-Merck EST Project</i> , (GenBank Acces. No. T90422) (1995)
	AS	<u>3</u>	Hillier, L., et al., <i>The WashU-Merck EST Project</i> , (GenBank Acces. No. R31020) (1995)
	AT	<u>3</u>	Marshall, et al., "Gene therapy's growing pains," <i>Science</i> 269:1050-1055, Am. Assoc. for the Advancement of Science (1995)

EXAMINER

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	FIRST NAMED INVENTOR Steven M. Ruben	
	FILING DATE September 16, 2003	ART UNIT 1644

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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL4						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>4</u>	Pan, G., <i>et al.</i> , "The receptor for the cytotoxic ligand TRAIL," <i>Science</i> 276:111-113, Am. Assoc. for the Advancement of Science (1997)
AS	<u>4</u>	Papoff et al., "An N-terminal domain shared by Fas/Apo-1 (CD95) soluble variants prevents cell death in vitro," <i>J. Immun.</i> 156:4622-4630 (1996)
AT	<u>4</u>	Pitti, R.M., <i>et al.</i> , "Induction of apoptosis by Apo-2 ligand, a new member of the tumor necrosis factor cytokine family," <i>J. Biological Chem.</i> 271:12687-12690, American Soc. for Biochem. and Molecular Bio. (1996)

EXAMINER	DATE CONSIDERED
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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

AR	<u>5</u>	Suda, T, <i>et al.</i> , "Molecular cloning and expression of the Fas ligand, a novel member of the tumor necrosis factor family," <i>Cell</i> 75:1169-1178, Cell Press (1993)
AS	<u>5</u>	Wiley, S.R., <i>et al.</i> , "Identification and characterization of a new member of the TNF family that induces apoptosis," <i>Immun.</i> 3:679-682, Cell Press (1995)
AT		

EXAMINER	DATE CONSIDERED
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Confirmation No.: 2663

Art Unit: 1644

Examiner: Huynh, Phuong N.

Atty. Docket: 1488.1890003/EJH/SAC

First Supplemental Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450
Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is provided

The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicant's Information Disclosure Statement filed herewith, in connection with the above-captioned application.

Applicant wishes to bring to the attention of the Examiner that SEQ ID NO:1 and the corresponding cDNA clone of this application are related to SEQ ID NOS:67931 and 115315 in co-pending U.S. Patent Application No. 09/912,293, filed July 26, 2001, and to SEQ ID NO:50232 in co-pending U.S. Patent Application No. 09/912,292, filed July 26, 2001. Applicant notes that none of the above recited sequences are claimed in U.S. Patent Application Nos. 09/912,293 or 09/912,292. Legible copies of those portions of U.S. Patent Application Nos. 09/912,292 or 09/912,293 which caused them to be listed on the attached Form PTO 1449 are submitted herewith as references **AS7** and **AT7**.

Steven M. Ruben
Appl. No. 10/662,429

The Examiner's attention is also directed to the following co-pending U.S. Patent Application, which is directed to related technical subject matter:

U.S. Patent Application No. 08/816,981, Ruben, S.M., filed March 13, 1997 and submitted herewith as document **AR8**.

The identification of these U.S. Patent Applications is not to be construed as a waiver of secrecy as to these applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during examination.

In addition, the Examiner's attention is directed to the declarations and deposition transcripts submitted herewith as documents **AS8** to **AT10**, which are related to the ongoing Patent Interference No. 105, 077 ("the '077 interference"). The '077 interference involves U.S. Application No. 08/816,981, the parent of the captioned application and U.S. Patent No. 5,763,223. These documents are being submitted to fulfill our duty of disclosure under 37 C.F.R. § 1.56. The full record of the '077 interference was made public on March 25, 2005. Upon request, Applicant will provide copies of any other documents of record in the '077 interference to the Examiner.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicant has listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Steven M. Ruben
Appl. No. 10/662,429

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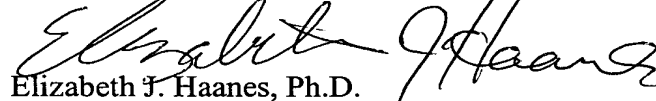
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Steven M. Ruben
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Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Elizabeth J. Haanes, Ph.D.

Attorney for Applicant

Registration No. 42,613

Date: April 1, 2005
1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
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FORM PTO-1449

**FIRST SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

ATTY. DOCKET No.
1488.1890003/EJH/SAC

APPLICATION No.
10/662,429

APPLICANT
Steven M. Ruben

FILING DATE
September 16, 2003

ART UNIT
1644

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
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FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR		
	AS		
	AT	5	Campbell, <i>et al.</i> , "General properties and applications of monoclonal antibodies," in <i>Monoclonal Antibody Technology</i> , Elsevier Science Publisher, New York, NY , pp. 1-32 (1984)

EXAMINER

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>6</u>	Harlow, <i>et al.</i> , "Immunizing animals," in <i>Antibodies: A Laboratory Manual</i> , Cold Spring Harbor Laboratory publication, Cold Spring Harbor, NY, pp. 92-94, 116-117, and 626-629 (1988)
	AS	<u>6</u>	Krieg, A., <i>et al.</i> , "TRAIL- β and TRAIL- γ : two novel splice variants of the human TNF-related apoptosis-inducing ligand (TRAIL) without apoptotic potential," <i>Br. J. Cancer</i> 88:918-927, Nature Publishing Group (March 2003)
	AT	<u>6</u>	Stryer, L., "Levels of Structure in Protein Architecture," in <i>Biochemistry</i> , 3 rd ed., W.H. Freeman Co., New York, NY, pp.31-34 (1988)

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	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>7</u>	Trabzuni, D., <i>et al.</i> , "Functional analysis of tumour necrosis factor- α -related apoptosis-inducing ligand (TRAIL): cysteine-230 plays a critical role in the homotrimerization and biological activity of this novel tumoricidal cytokine," <i>Biochem. J.</i> 350:505-510, Portland Press (September 2000)
	AS	<u>7</u>	U.S. Patent Application No. 09/912,292, Ruben, S.M., filed July 26, 2001, pages 1-75, 94 (pages 1 and 2 partially redacted), portion of Table 2, SEQ ID NO. 50232 (NOT PUBLISHED)
	AT	<u>7</u>	U.S. Patent Application No. 09/912,293, Ruben, S.M., filed July 26, 2001, pages 1-75, 94 (pages 1 and 2 partially redacted), portion of Table 2, SEQ ID NOS. 67931 and 115315 (NOT PUBLISHED)

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>8</u>	U.S. Patent Application No. 08/816,981, Ruben, S.M., filed March 13, 1997 (NOT PUBLISHED)
	AS	<u>8</u>	Declaration of Carl F. Ware, submitted in Patent Interference No. 105,077, Ruben v. Wiley, 10 pages, signed November 8, 2004 (NOT PUBLISHED)
	AT	<u>8</u>	Deposition of Carl Ware, Ph.D., for Patent Interference No. 105,077, Ruben v. Wiley, 111 pages, taken December 9, 2004 (NOT PUBLISHED)

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	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	2	Declaration of Nigel Killeen, submitted in Patent Interference No. 105,077, Ruben v. Wiley, 8 pages, signed December 15, 2004 (NOT PUBLISHED)
	AS	2	Deposition of Nigel Patrick Killeen, for Patent Interference No. 105,077, Ruben v. Wiley, 15 pages, taken January 18, 2005 (NOT PUBLISHED)
	AT	2	Declaration of Mark L. Hayman, submitted in Patent Interference No. 105,077, Ruben v. Wiley, 5 pages, signed August 27, 2004 (NOT PUBLISHED)

EXAMINER

DATE CONSIDERED

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**FIRST SUPPLEMENTAL
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APPLICANT
Steven M. Ruben

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA						
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL						Yes No
	AM						Yes No
	AN						Yes No
	AO						Yes No
	AP						Yes No

OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

	AR	<u>10</u>	Second Declaration of Mark L. Hayman, submitted in Patent Interference No. 105,077, Ruben v. Wiley, 7 pages, signed September 15, 2004 (NOT PUBLISHED)
	AS	<u>10</u>	Third Declaration of Mark L. Hayman, submitted in Patent Interference No. 105,077, Ruben v. Wiley, 8 pages, signed November 5, 2004 (NOT PUBLISHED)
	AT	<u>10</u>	Deposition of Mark Hayman, for Patent Interference No. 105,077, Ruben v. Wiley, 116 pages, taken November 30, 2004 (NOT PUBLISHED)

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